 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

The following procedures are to be followed when processing a request for public information under the Sunshine Law of Missouri. They pertain to any administrative unit of the Department of Natural Resources including, but not limited to, divisions, programs, boards, commissions, councils and committees.

These procedures are guidance on how to process Sunshine Law requests. They do not contain all the details nor can they answer all the questions about the Sunshine Law. If you have any questions, contact the department's or your division's legal counsel or refer to the Missouri Attorney General's information on the Sunshine Law available at that office's web site or as a booklet.

REFERENCES

Missouri Attorney General's Office Website (Sunshine Law)
<https://ago.mo.gov/missouri-law/sunshine-law>

Missouri Sunshine Law: RSMo. 610
<http://moga.mo.gov/mostatutes/chaptersIndex/ChaptIndex610.html>

DEFINITIONS


Closed record: Public record closed to the public as authorized by Section 610.021.

Custodian of records: An employee identified in each program and division who is responsible for receipt, review, coordination of and response to requests for information through the Sunshine Law. In these procedures, the custodian of records refers to the designated program or division employee.

Hot Sheet: A listing of current key issues that are complex, priority issues. The Hot Sheet is found in the footer of the DNR Intranet. <http://n-nr1ntra.ads.state.mo.us/>

Legal counsel: The department's attorney staffed in the Director's Office and in various divisions.

Public record: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, field notes, memorandum, or other document or study prepared and presented to the public governmental body. The term "Public Record" shall not include any internal memorandum or letter received or

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of that body, unless such records are retained by the public governmental body or presented at a public meeting.

GENERAL PROCEDURES

Posting notices for public meetings

Attachment 1 contains sample meeting notices for an open meeting, closed meeting, and a meeting with both open and closed portions.

Requests for information under the Sunshine Law

Each program, division and the Director's Office will designate a custodian of records. An up-to-date listing of those names will be provided to divisional administration and the department's legal counsel.


Each division will keep a log of requests related to the Sunshine Law. That log will include at least the name, address, phone number, brief request description, date received, date of initial department response, and date request completed. Division's legal counsel will keep the department's legal counsel aware of Sunshine Law requests.

All materials, paper or electronic, that are provided in response to a Sunshine Law request shall be reviewed before leaving the department to ensure the request was fulfilled and the materials provided appropriate.

- Legal counsel will review requests involving a search of 1) the department's email, 2) made by an attorney(s), or 3) relating to an issue on the department's Hot Sheet. If a division does not have legal counsel, the request and accompanying materials will go to the department's legal counsel for review and approval.
- The custodian of records and others designated by the division director will review materials provided for all other requests.

Initial processing of a request for paper or electronic information

Whenever possible, encourage requestors to formalize their request in writing to reduce the chance of misunderstanding. However, a request for information can be made verbally or in writing. When received, the written request must be date-stamped. If the request is made verbally, staff should write down the request as a memo as they best understand it, ensuring the date the request was made is indicated. When a request for


 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

information is submitted, a copy of the request is forwarded to the program's or division's custodian of records.

All Sunshine Law requests must be responded to by the end of the third business day following the date the request is received by the custodian of records. The custodian of records who receives the request is responsible to see that a response is provided within three business days. If the information cannot be produced within that time, the program or division will send a letter to the requestor, acknowledging the request and explaining the reasons for the delay. A sample acknowledgment letter is contained in Attachment 2. The explanation should indicate the earliest date, and if applicable the place, the records will be available. A copy of this letter explaining the delay should be sent to the department's or division's legal counsel.

The custodian of records will review the request to determine if the information constitutes an open or closed record. The list of topics that can be closed includes:

- Documents related to legal actions, causes of action, litigation and attorney-client privileged communications (including both department's and Attorney General Office's attorneys). Votes, minutes and settlement agreements made in closed session must be opened to the public on final disposition, unless ordered closed by a court.
- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction.
- Hiring, firing, disciplining or promoting a particular employee.
- Software codes for electronic data processing.
- Individually identifiable personnel records.
- Records that are protected from disclosure by other laws.
- Records relating to scientific or technological innovations in which the owner has a proprietary interest
- Certain investigative reports used in the course of a criminal investigation
- Social security numbers as required by RSMo 610.035
- Criminal history information such as that provided through Missouri Uniform Law Enforcement System (MULES)
- Homeland security provisions (these are to sunset December 31, 2008):
 - operational guidelines and policies developed, adopted or maintained by the department for use in response to critical incidents related to terrorism which has potential to endanger public safety;
 - security or structural plans of DNR property;

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

- information submitted to the department by a non-public entity regarding infrastructure owned or operated by that entity if the department uses that information to develop security plans for that infrastructure.

If a record is closed or not available, meaning it may not be provided to the requestor, the custodian of records will forward the request along with a draft explanation for the denial to the department's or division's legal counsel. The legal counsel will respond to the requestor.

Requests for a search of electronic information, including email and databases

A request to present electronic records is the equivalent of a request to search a paper file. The requestor must provide key words or phrases for a search of electronic information. Any requests for a search of electronic information must be forwarded to the division's legal counsel, or if the division has no legal counsel, the department's legal counsel. Legal counsel will then provide direction on how to proceed. The search of electronic records is coordination with the Office of Administration's Information Technology Services Division.

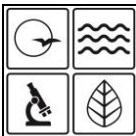
All Sunshine Law requests, including requests for electronic information, must be responded to by the end of the third business day following the date the request is received by the custodian of records. If the information cannot be produced within that time, the program or division will send a letter to the requestor, acknowledging the request and explaining the reasons for the delay. A sample acknowledgment letter is contained in Attachment 3. The explanation should indicate the earliest date, and if applicable the place, the records will be available.

Materials found from an electronic search must be reviewed by legal counsel or counsel's designee, before providing them to the requestor.

Considerations

The department will provide access to records as required by the Sunshine Law. However, in general, the department is not required to research or organize files or information as the requestor may require for his or her purposes.

The requestor may also conduct the record inspection and review. A supervisory person may be present to answer questions. Should the requestor desire to make copies of any records, he/she may furnish their own copying equipment.



**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 2 Communications Sunshine Law Request Policy

Sunshine Law Request Procedures

Effective date

Revised

Number: 2.02-01

January 18, 2002

December 18, 2008

Fees

Fees for duplication may be collected as follows.


- Copies less than 9 by 14 inches will be 10 cents per page.
- The per hour standard fee for staff time making the copies is posted on the Human Resources Intranet site. Please see the following site for the most current rate.
<http://www.dnr.mo.gov/central/das/HumanResources11.htm>

For maps, blueprints or plats that require special expertise to duplicate the rate for staff time may include the actual rate of compensation for the personnel trained to make such copies.

- The actual time and salary for staff's time to research or review requested material will be charged. This is the time used to search for the records and to review the records for applicability and exemption. Fringe and indirect costs are not included..
- For paper copies larger than 9 by 14 inches and other materials, please see the table below.

Standard charges for reproduced materials. August 2007		
Charge for clerical staff to make copies		See intranet site above for current rate
Standard copy machine from paper	Less than 9 x 14 inches	\$0.10
Enlarger/printer copies from microfilm originals		\$1.00
Printer/plotters from digital files or paper copy (oversize copies)		\$3.00 per sheet
Microfilm/microfiche from original or diazo microfilm		\$2.00
100' roll silver microfilm 16mm or 35mm		\$30.00
CD ROM	Per CD	\$3.00
FAX	1-10 pages	No charge
	More than 10 pages	\$2.00 per page or suggest the copies be mailed
Fed Ex, UPS, etc	Charged either to the requestor's account or the actual cost of shipping	

- If programming is required beyond the customary and usual level to comply with a request for records, the fees for duplication may include the actual cost of such programming.
- Actual shipping costs may be charged.

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

If additional fees are deemed appropriate, the custodian of records must keep reasonable records documenting how a fee is determined.

Prior to making a request, the person making the request may ask for an estimate of the cost.

Fee waiver

Copies may be provided at no charge if the cost and time involved is minimal. The appropriate manager and custodian of records may also waive the fee. The fee may be waived if doing so will allow the distribution of information that significantly contributes to the public understanding of the operations or activities of the department.

A requester can also ask for a fee waiver. In this case, the requester may be asked to provide the following information to determine whether a fee should be assessed or not. Is the requestor:


- a member of the news media affiliated with a newspaper, magazine, television station, etc. ? This request is made as part of newsgathering. It is not made for commercial use.
- affiliated with an educational institution or noncommercial group? This request is made for scholarly, scientific or other purposes. It is not made for commercial use.
- an individual seeking records for personal use? This request is not made for commercial use.

If a requester asks for a fee waiver, the first \$100.00 may be waived, with the requestor paying any remaining balance.

Documentation for fee determination

Each staff person is responsible for the following:

- Log staff time to the appropriate SAM II HR time codes.
- Log expense and equipment (EE) costs to the SAM II system codes.
- The Division of State Parks is not fully connected to SAMII so the division will track their PS costs and provide the custodian of records with a line-item cost sheet for reimbursement.

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 2 Communications Sunshine Law Request Policy		
Sunshine Law Request Procedures	Effective date	Revised
Number: 2.02-01	January 18, 2002	December 18, 2008

The custodian of records is responsible for the following:

- Work with the affected financial staff and management units to determine the appropriate codes and fund source for the work;
- Notify the affected management units when the tracking codes are established.
- Coordinate the recovery of the department's costs from the requesting party.
- Keeping records to document how the fee was determined

Example for determination of fees

Sample reimbursement calculation for 10 pages paper copy	
Staff time	\$18.50
Environmental Specialist I time to find and gather the information 1 hour	
OSA time to make paper copies 15 min	
Reimbursement rate for staff	
Environmental Specialist I \$13.50 per hour	
Standard clerical staff rate \$10.00 per hour, \$5.00 minimum	
1 hour x \$13.50 = \$13.50	
0.25 hour (use \$5.00 minimum) = \$5.00	
Paper cost 10 pages x 10 cents/page	\$1.00
Total	\$19.50

This is an example only; please use current and appropriate hourly rates for staff time.

Providing the requested information

The custodian of records will forward the requested records to the requestor, along with the amount of the fee if it has not been waived. The fee should be paid to the custodian of records. The custodian may request payment before the copies are provided if it is a significant amount. Once the fee is received, the program or division will process it appropriately. A sample transmittal letter is contained in Attachment 4 and a sample letter stating when the documents would be available for review is contained in Attachment 5.

Attachment 1
Templates for Meeting Notices

Notice of open meeting

Name of Program, Board, Commission, Committee, etc.

(Insert date and time notice posted)

Notice is hereby given that the *(insert name of public governmental body)* will conduct a meeting at *(insert time)* on *(insert day, month and year)* at *(insert place where meeting is to be held, or if the meeting will be conducted by telephone or other electronic means, the location where the public may observe and attend the meeting or directions to access the meeting electronically).*

The tentative agenda of this meeting includes: *(list agenda topics)*

Representatives of the news media may obtain copies of this notice by contacting:
(insert name, address, phone number)

Notice of a closed meeting

Name of Program, Board, Commission, Committee, etc.

(Insert date and time notice posted)

Notice is hereby given that the *(insert name of public governmental body)* having duly voted to close its upcoming meeting, as authorized by *(insert statutory authority to close meeting including specific subsection of Section 610.021 to close meeting)* will conduct a closed meeting at *(insert time)* on *(insert day, month and year)* at *(insert place where meeting is to be held)*.

Representatives of the news media may obtain copies of this notice by contacting:
(insert name, address, phone number)

Notice of an open meeting and vote to close part of the meeting

Name of Program, Board, Commission, Committee, etc.

(Insert date and time notice posted)

Notice is hereby given that the *(insert name of public governmental body)* will conduct a meeting at *(insert time)* on *(insert day, month and year)* at *(insert place where meeting is to be held or if the meeting will be conducted by telephone or other electronic means, the location where the public may observe and attend the meeting or directions to access the meeting electronically).*

The tentative agenda of this meeting includes: *(list agenda topics)*

The tentative agenda of this meeting also includes a vote to close part of this meeting pursuant to *(insert statutory authority for vote to close meeting including specific subsection of Section 610.021 to close meeting).*

Representatives of the news media may obtain copies of this notice by contacting:
(insert name, address, phone number)

Attachment 2
Sample Sunshine Law Request Acknowledgment

Insert date

Insert requester's name

Insert address

Insert city, state, zip code

Dear *requester's name*;

This acknowledges the receipt of your request for records under the Sunshine Law, Chapter 610, Revised Statutes of Missouri. Your request is dated *request date*. We received it on *date received*. You asked that we make available to you records containing the following information: *insert the applicable option(s)*.

List key words and phrases to search for.

Starting and ending dates for the period covered by the search

The names of people, places and/or locations to search for.

If applicable, insert the following. I have attached additional information that may help you find the records that you are looking for. Please let me know if you would like me to add this information to your search criteria.

The department wants disclosures of information to be the rule, not the exception. However, some records are exempted from public disclosure by law or statute. If a portion of the information that you have asked to review is closed, we will segregate the exempted records.

As you indicated in your request, we will *insert the applicable option(s)*:

send you copies of the public records as an Internet e-mail attachment if practicable.

send you copies of the public records in the mail or CD.

make the records available for your review during our regular business hours, 8:00 to 5:00 Monday through Friday at name and address. Please contact name at phone number to schedule an appointment in order to confirm the date that you desire to review these records.

You may conduct this record inspection and review yourself. A supervisory person may be present to answer questions. Should you desire to make copies of any records, you

may furnish your own copying equipment or the Department of Natural Resources may have copying facilities available at a charge.

The department may furnish documents without charge or at a reduced rate. If the department determines that the request is in the public interest, as it contributes significantly to the public need to know and is not primarily in the commercial interest of the requestor, a waiver or reduction of fee may be provided.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Attachment 3
Sample Request to ITSD to Search E-mails Records and/or Databases

To: [Insert ITSD's E-mail Address]
cc:
bcc:
Subject: Sunshine Law Request to Search.

E-mail is for official department use only. Copies of messages may be archived indefinitely and reviewed as appropriate.

On [Insert Date Received], we received a request from [Insert Requester's Name], [Insert Address], [Insert City, State, Zip Code] for records under the Sunshine Law, Chapter 610, Revised Statutes of Missouri. We were asked to make available e-mail records and attachments or databases containing the following information: [Insert the appropriate option(s). More than one option may be chosen.]

- [Option 1 – Key words and phrases to search for. [Insert List]]
- [Option 2 – Starting and ending dates for the period covered by the search. [Insert List]]
- [Option 3 – The names of people, places and/or locations to search for. [Insert List]]
- [Option 4 – The following describes any unusual or extraordinary circumstances that may have affected the ability to retrieve the requested information.]

Please conduct a search of the e-mail records and/or databases. If you need any clarification, please contact [Insert the staff contact(s)].

We would like you to complete your review and return the records to be released for review by [Insert Date]. If this is not a reasonable amount of time, please let me know when you will be able to complete your work. When you are finished, please return the records [Insert the applicable option.]

- [Option 1 – as an e-mail attachment if practicable.]
- [Option 2 – in the interagency mail on diskette or CD.]

[Insert the appropriate option.]

[Option 1 – Because the request is not part of a newsgathering effort or intended for scholarly, scientific or noncommercial use, a fee will be charged. To help us calculate the fee for your staff time, please include your monthly pay rate and the number of hours spent conducting the search.

[Option 2 – Because the request is part of a news gathering effort or intended for scholarly, scientific or noncommercial use, a fee will not be charged.

Attachment 4
Sample Transmittal Message for Sending Information as Requested

Insert date

Insert requester's name

Insert address

Insert city, state, zip code

Dear *requester's name*:

Your request for records under the Sunshine Law, Chapter 610, Revised Statutes of Missouri, dated *date* has been processed and is enclosed. You asked that we make available to you records containing the following information: *insert the appropriate option(s)*.

- *List key words and phrases to search for*
- *Starting and ending dates for the period covered by the search*
- *The names of people, places and/or locations to search for.*

The department wants disclosure of information to be the rule, not the exception. However, some records are exempted from public disclosure by law or statute. If a portion of the information that you have asked to review is not available, we segregate the exempted records.

In your request, you also asked that we *insert the appropriate option(s)*:

- *send you copies of the public records as an Internet e-mail attachment. (see attachment)*
- *send you copies of the public records in the mail or on a CD. (see enclosure)*

If a fee is charged, add: The fee for providing the copies of this information is \$____. Please forward your payment to *name, address* by *date*.

If you have any questions or if you need any additional information, please call me at *telephone number*.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Attachment 5
Sample Letter Notifying Requestor When Records Are Available for Review

Dear *Requestor*;

This will acknowledge receipt of your letter dated *date* in which you request information concerning *subject matter of request*.

In accordance with the Missouri Open Records Law, Section 610.010 et seq., RSMo. and the Department of Natural Resources' Sunshine Law Policy, you are granted access to these records.

These records are available for your inspection and review during regular business hours, 8:00 a.m. – 5:00 p.m., at *name and address of facility where access is provided*. Please contact *point of contact* at *telephone number* to schedule an appointment to confirm the date you desire to review these records.

You may conduct this record inspection and review yourself. A supervisory person may be present to answer questions. Should you desire to make copies of any records, you may furnish your own copying equipment or the Department of Natural Resources may have copying facilities available at a charge.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES